

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I to V are related as process of making and products made under M.P.E.P. §806.05(f) and the product of Group V can be made by another and materially different process not requiring the pH adjustment of Group I.

However, it can be seen that all the claims in Group I with the exception of Claim 22 do not specify any pH range at all. Further, the Examiner has not given any reasons to support the proposition that the product of Group V can be made by the steps of Claim 22 outside the pH range as specified in Claim 22. Therefore the requirements of M.P.E.P. §806.05(f) with regard to at least Claims 14-21 and 23 of Group I have not been met, since a materially different process of making the produce, as claimed, has not been set forth by the Examiner. Further, the requirements of M.P.E.P. §806.05(f) have not been met with regard to Claim 22, as argued above. Therefore, it is requested that the claims of Groups I and V be rejoined and examined in the present application.

Further, if the claims of Group V are ultimately found allowable, it is requested that the claims of Group I be rejoined under M.P.E.P. §821.04 and allowed in the present application, also.

The Examiner states that the inventions of Groups II to V are unrelated as being disclosed as incapable of use together and having different modes of operation, different functions, or different effects under M.P.E.P. §806.04 and M.P.E.P. §808.01.

However, it can be seen that the relationship between the inventions of Groups II to V is combination-subcombination under M.P.E.P. §806.05(c) with the combination being the claims of Groups II to IV and the subcombination being the claims of Group V. To support a requirement for restriction between combination-subcombination two-way distinctness must be demonstrated. Since two-way distinctness between the claims of Groups II to IV and V

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Reply to Restriction Requirement dated July 15, 2005.

has not been demonstrated, it is requested that the claims of Groups II to V be rejoined and examined in the present application.

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Respectfully submitted,

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